

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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| <p>UNITED STATES OF AMERICA, Plaintiff, vs. SALVADOR MAGANA MADRIGAL, JR., and ANAHI PLASCENCIA CARDONA, Defendants.</p> | <p>4:21-CR-40078-KES ORDER DENYING CONTINUANCE</p> |
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Plaintiff, the United States of America, moves for a continuance of the trial in the above-captioned matter currently scheduled to begin on May 2, 2023 at 9:00 AM. Docket 183. The Government states that one of its “essential” witnesses, someone with testimony that “she alone can provide”, cannot attend trial due to being hospitalized. *Id.* at 3. Defendants Salvador Magana Madrigal Jr. and Anahi Plascencia Cardona object.

Although the Government points out that neither of the defendants have refuted its assertion that the witness who is hospitalized is an essential witness, the court exercises its broad discretion in still denying the Government’s motion. *See United States v. Ali*, 47 F. 4th 691, 696-97 (8th Cir. 2022) (reviewing district court’s decision to deny continuance for abuse of discretion). The court has an interest in the orderly administration of justice, especially when a continuance motion is made shortly before trial. *See United States v. Bradshaw*, 955 F.3d 699, 703 (8th Cir. 2020). Here, this case has

been pending before the court for nearly two years. The Government filed its continuance motion on April 26, 2023, less than a week before trial is set for May 2, 2023. Additionally, the Government has already caused a previous continuance. On December 12, 2022, the court set this case for trial on February 7, 2023. *See* Docket 143. All parties, including the court, fully expected the case would go to trial. Waiting until the eve of trial, on February 3, 2023, the Government delivered over 11,000 electronic files of discovery to the defendants, causing another continuance.

In short, the defendants' interest in a speedy trial outweigh the Government's interests. No good cause appearing, it is ORDERED that the motion to continue (Docket 183) is denied. The trial in this matter remains scheduled for May 2, 2023 at 9:00 AM in Sioux Falls Courtroom 2.

Dated April 27, 2023.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE